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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,866	01/15/2002	Michael K. Schumacher	84,355-003	5118

26127 7590 06/22/2005

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EXAMINER

ORTIZ, BELIX M

ART UNIT PAPER NUMBER

2164

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,866

Applicant(s)

SCHUMACHER, MICHAEL K.

Examiner

Bélix M. Ortiz

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 3, 5-7, 11-18, 27 and 29 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 8-10, 19-26, 28, 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Remarks

1. In response to communications files on May 12, 2005, claims 1, 5, 8-9, and 19 are amended per applicant's request. Therefore, claims 1-30 are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 8-10, 19-21, 23, 28, and 30 are rejected under 35 U.S.C. 102(e) as being unpatentable over Wheeler et al. (U.S. pub. 2002/0055932).

As to claim 1, Wheeler et al. teaches a method of managing information for a plurality of computers in a distributed network (see paragraphs 2-4, 37 and 95) comprising the steps of:

(A) collecting original data for each computer relating to at least one of a system, an application program and a user associated with the respective computer and storing the original data in a respective database (see abstract and paragraphs 39 and 54);

(B) generating an index table including index data for each computer wherein the index data is configured (i) to identify at least a portion of the contents of the original data stored in the database, and (ii) to facilitate access to the databases over the distributed network (see page 2, paragraph 18 and page 3, paragraph 21);

(C) selecting at least one of the plurality of databases by scanning index tables and determining which ones, using the index data that is configured to identify the contents of the original data stored in the databases, contain original data responsive to a user query (see abstract; figures 1 and 4; and paragraphs 16 and 18);

(D) accessing the selected databases to retrieve original data and generate an output therefrom (see paragraphs 21 and 37).

As to claim 4, Wheeler et al. teaches the method further comprising the step of:

producing a summarized data table for the computers (see page 4, paragraph 39).

As to claim 8, Wheeler et al. teaches an apparatus for managing information for computers in a distributed network (see paragraph 2-4, 37, and 95) comprising:

a collection agent associated with each of a plurality of computers configured to acquire and store original data in a respective storage databases, the computers arranged in a logical tree style hierarchy (see figure 2 and paragraphs 16, 21, and 25);

at least one condensing agent for condensing paid original data into index data, the index data configured (i) to identify at least a portion of the contents of the original data, and (ii) to facilitate access to the storage databases over the distributed network, the index data including fields corresponding to a position in the hierarchy (see figure 2 and paragraphs 18 and 21);

a base database including the index data (see page 4, paragraph 38 and page 11, claim 22);

a console module configured to select storage databases for access thereto responsive to a user query for the contents, the console being further operative to use the index data to access the selected storage databases, retrieve original data, and generate an output (see page 3, paragraphs 20 and 21; page 4, paragraph 37; and page 6, paragraph 59).

As to claim 9, Wheeler et al. teaches wherein the console module is configured to execute on a head end of the hierarchy, a remainder of the

computers populating a subtree of the hierarchy at a plurality of levels (see page 5, paragraph 47; page 8, paragraph 74; and page 9, paragraph 85).

As to claim 10, Wheeler et al. teaches wherein the original data in the storage databases comprises information relating to at least one of systems, disks, networks, application programs, and users associated with a respective one of the plurality of computers (see page 10, paragraphs 95 and 96).

As to claim 19, Wheeler et al. teaches an apparatus for managing information for computers in a distributed network (see paragraphs 2-4, 37, and 95) comprising:

a first database configured to store original data related to a first computer, the original data corresponding to at least one of operational and configuration characteristics of hardware and user of the computer (see paragraphs 21 and 95-96);

a condensing agent coupled to the first database and configured to generate summarized data based on the original data (see page 5, paragraph 47);

a base database having a first portion configured to store the summarized data and a second portion configured to store index data comprising at connection information of the first database (see page 5, paragraph 49); and

a console module coupled to the base database and configured for operation in (i) a first mode to generate a first output based on the summarized data and (ii) a second mode wherein the console module uses the connection information in the index data to facilitate access to the first database to generate a second output (see page 3, paragraphs 20 and 21; page 4, paragraph 37; and page 6, paragraph 59).

As to claim 20, Wheeler et al. teaches The apparatus of claim 19 further comprising a data collection agent for acquiring and storing the original data in the first database (see page 3, paragraph 21).

As to claim 21, Wheeler et al. teaches wherein the first database is local to the first computer (see page 8, paragraph 74).

As to claim 23, Wheeler et al. teaches wherein the data collection agent is configured to acquire the original data relating to at least one of a system, a disk, a network interface, an application program and a user associated with the first computer (see page 10, paragraph 95).

As to claim 28, Wheeler et al. teaches wherein a plurality of application programs are executed on the first computer by a user, the application table comprising a corresponding plurality of records, one for each application program

and system combination, each record having; summarized data comprising statistical information regarding such use of the application programs (see page 10, paragraph 95).

As to claim 30, Wheeler et al. teaches The apparatus of claim 24 further including a plurality of computers arranged in a tree style hierarchy, wherein application tables included in databases associated with each computer in the hierarchy are condensed and transmitted, level-by-level, to databases upstream in the hierarchy (see figure 2; page 4, paragraph 25; and page 5, paragraph 47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (U.S. pub. 2002/0055932) in view of Hobbs (U.S. patent 5,987,454).

As to claim 22, Wheeler et al. does not teach wherein the first database is remote from the first computer, the first database comprising a portion of a client-server database.

Hobbs teaches method and apparatus for selectively augmenting retrieved text information from the network (see abstract), in which he teaches wherein the first database is remote from the first computer, the first database comprising a portion of a client-server database (see column 1, lines 12-31).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al., to include wherein the first database is remote from the first computer, the first database comprising a portion of a client-server database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al. by the teaching of Hobbs, because wherein the first database is remote from the first computer, the first database comprising a portion of a client-server database, would enable the apparatus to retrieve, wherein optimum record is retrieved from a database (see Hobbs, column 1, lines 14-17).

6. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (U.S. pub. 2002/0055932) in view of Perkins, III (U.S. patent 6,396,913).

As to claim 24, Wheeler et al. does not teach wherein the first portion of the base database comprises an application table having information relating to usage of application programs.

Perkins, III teaches system and method for processing call detail records (see abstract), in which he teaches wherein the first portion of the base database comprises an application table having information relating to usage of application programs (see column 3, lines 4-10).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al., to include wherein the first portion of the base database comprises an application table having information relating to usage of application programs.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al. by the teaching of Perkins, III, because wherein the first portion of the base database comprises an application table having information relating to usage of application programs, would enable the apparatus to know which records apply to them and it is updated to indicate that a new file is ready for processing (see Perkins, III, column 3, lines 7-10).

As to claim 25, Wheeler et al. as modified teaches wherein the summarized data comprises statistical information relating to the usage of application programs (see Perkins, III, column 3, lines 4-10).

As to claim 26, Wheeler et al. as modified teaches wherein the application table, for each user executing an application program on the first computer, includes a respective record containing summarized data indicative of such application program usage (see Perkins, III, column 3, lines 4-10).

Allowable Subject Matter

7. Claims 2-3, 5-7, 11-18, 27, and 29 are allowed.
8. Claims 2-3, 5-7, 11-18, 27, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 12-May-2005 with respect to the rejected claims in view of the cited references have been fully considered but they are not persuasive:

In response to applicants' arguments that "Wheeler et al. fail to teach selecting at least one of the plurality of databases by scanning index tables and determining which ones, using the index data that is configured to identify the contents of the original data stored in the databases, contain original data responsive to a user query", the arguments have been fully considered but are

not deemed persuasive, because Wheeler et al. teaches “The invention allows the comparison of two database structures, and facilitates the searching of information from one database to other databases, or from an external set of search criterion against a plurality of databases”, (see Wheeler et al., abstract and also see paragraphs 16 and 18) and see figures 1, where Wheeler et al teaches “search index database”.

In response to applicants’ arguments that “Wheeler et al. fail to teach the computers arranged in a logical tree style hierarchy” the arguments have been fully considered but are not deemed persuasive, because Wheeler et al. teaches “FIG. 2 shows three heterogeneous hierarchical tree structures”, (see Wheeler et al., paragraph 25).

Conclusion

Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

bmo

June 15, 2005


SAM RIMELL
PRIMARY EXAMINER